

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALFONSO A. SAAVEDRA,
Plaintiff,

v.

RONALD RACKLEY,
Defendant.

Case No. [17-cv-00943-JD](#)

ORDER OF TRANSFER

Docket No. 2


This is a habeas case filed pro se by a state prisoner. Petitioner was sentenced to a determinate term of 10 years plus life in prison. *People v. Saavedra*, No. H018527 at 2 (Cal. Ct. App. April 20, 2000). Petitioner seeks to challenge the execution of his sentence, with respect to the Board of Parole Hearings failing to set a release date. He argues the failure to set a date violates the Eighth and Fourteenth Amendments. Petitioner is currently incarcerated at Folsom State Prison, which is in the venue of the United States District Court for the Eastern District of California. His underlying conviction occurred in Santa Clara County which is in this district.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d). The district of confinement is the preferable forum to review the execution of a sentence. *See* Habeas L.R. 2254-3(a); *Dunne v Henman*, 875 F2d 244, 249 (9th Cir 1989); *cf Laue v Nelson*, 279 F Supp 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

Therefore, this case is **TRANSFERRED** to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b). The motion to proceed in forma pauperis (Docket No. 2) is **VACATED** and will be reviewed in the Eastern District.

IT IS SO ORDERED.

Dated: March 27, 2017



JAMES DONATO
United States District Judge

United States District Court
Northern District of California

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 27, 2017, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alfonso A. Saavedra
Folsom State Prison
#K95340
P.O. Box 950
Folsom, CA 95763

Dated: March 27, 2017

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO